

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

BAYWOOD RTLY. & CONSTR.)
CORP.,)
)
Plaintiff,)
)
vs.) Case No. 4:16 CV 1939 RWS
)
MICHAEL'S CARPET & LINOLEUM)
INC., et al.,)
)
Defendants.)

MEMORANDUM AND ORDER

This newly removed case is before me on cross motions to strike. Having reviewed the motions under the relevant standards set out in the parties' briefs, I will deny plaintiff's motion to strike defendants' asserted affirmative defenses 2-3 and grant the motion to strike affirmative defense 4. Defendants may seek leave to amend their answer if an affirmative defense arises during the course of discovery.

I will deny defendants' motion to strike class allegations at this time, although the Court questions whether plaintiff will ultimately be able to certify a class in this case. In the future, plaintiff shall provide only Westlaw citations to unpublished relevant authority, shall not file pleadings under seal without first obtaining leave of Court (which will be denied absent a compelling reason), and shall omit background information on the Telephone Consumer Protection Act

from its future filings as the Court is well versed on this federal statute. This case will be set for a scheduling conference by separate Order.

Accordingly,

IT IS HEREBY ORDERED that defendants' motion to strike [9] is denied, and plaintiff's motion to strike [12] is granted only as follows: defendants' affirmative defense 4 is stricken from defendants' answer, but in all other respects the motion to strike is denied.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 29th day of December, 2016.